

### REMARKS

Claims 1-3, 5-9, 11-16, 18-21, and 23-26 are pending in the above-referenced Application.

All pending claims (1-3, 5-9, 11-16, 18-21, and 23-26) of the present Application were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 6,178,407 B1 to Lotvin et al. ("Lotvin"). Applicant submits that the rejection is improper.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The present Application includes three independent claims, claims 1, 14, and 26. Each of these claims recites the limitation that the second party is a major financial services company that "*receives, from third parties, information associating the identification of the user with the items that the user purchases.*" Lotvin does not teach or suggest, either expressly or inherently this limitation.

The Office Action states that "[i]t is the examiner's position that Lotvin et al discloses the claimed limitation 'the second party (i.e., a major financial services company) receives from the third parties (i.e. merchants or other business that sell items to the public) information associating the identification of the user with the items the user purchases' and not the information associating the identity of the parent from the third parties." The Office Action, however, fails to cite where in Lotvin this feature is disclosed. Indeed, Lotvin does not disclose or suggest a system where *a major financial services company receives information associating the identification of the user with the items that the user purchases*. Instead, the system in Lotvin maintains this information at the central facility of a first party, which is not a financial service company. Significantly, the system in Lotvin "determines and appropriately displays (block 905) to the parent information regarding...the child's purchase history. In the preferred embodiment, *the information is stored in the system database in a separate child log table associated with each child.*" Col. 15 lines 24-35. It is important to provide the parent with this information in Lotvin because the parent finances the child's purchases. See Col. 13 line 37 –

Col. 14 line 8. The parent uses this information to monitor the child's selections and limit the child's future purchasing power. In Lotvin, there is no need to provide a major financial services company with information associating the user's identification with the items that the user purchases. Thus, Lotvin teaches away from the second party being a major financial services company that "*receives, from third parties, information associating the identification of the user with the items that the user purchases.*" Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 14, and 26.

Claims 2-3, 5-9, 11-13, 15-16, 18-21, and 23-25 were also rejected under 35 U.S.C. § 102(b) as anticipated in view of Lotvin. These claims each depend from one of the independent claims 1 and 14, which, Applicants respectfully submit above, are allowable. Therefore, claims 2-3, 5-9, 11-13, 15-16, 18-21, and 23-25 are also allowable.

In addition, Lotvin does not disclose, teach, or suggest analyzing the information associating the identity of a user with the user's purchases to determine the purchasing preferences of the user. Lotvin only teaches parental preferences, which may be used to tailor the information that is presented to a child using the system. *See, e.g.*, Col. 6 l. 65 – Col. 7 l. 2; Col. 7 l. 67 – Col. 8 l. 13. Lotvin also does not disclose, teach, or suggest selling and/or using the information associating the identity of a user with the user's purchases to target advertising to a user based on his or her purchasing preferences. Lotvin only teaches using parental preference to determine the advertisements displayed to the user. *See, e.g.*, Col. 10 ll. 53-59.

The Office Action states that "[a]pplicant is reading the limitation into the claim which is just not there." This is not true. Claims 8, 16, and 21 specifically relate to user purchasing desires. In addition, claim 9 specifically recites "wherein the information associating the user with the items the user purchases is used to provide targeted advertising to the user." Because neither of these feature are taught or suggested by Lotvin, claims 8, 9, 16 and 21 are further allowable for these reasons.

Accordingly, Applicants respectfully submit that all claims are in form for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or

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concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1/12/06

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